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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,874	03/08/2004	Nathan L. Pickler	P1025-CIP2	2115
22508	7590	09/28/2005	EXAMINER	
CHRISTOPHER C. DREMANN, P.C. 18 MALLARD COURT GRANITE FALLS, NC 28630			ELOSHWAY, NIKI MARINA	
		ART UNIT		PAPER NUMBER
				3727

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/795,874	PICKLER, NATHAN L.
	Examiner	Art Unit
	Niki M. Eloshway	3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 and 20 is/are rejected.
 7) Claim(s) 19 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/8/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickler (U.S. 4,913,301) in view of Keneson et al. (U.S. 3,656,643). Pickler discloses the claimed invention except for the sleeves being rotatably mounted and the mechanical stops. Keneson et al. teaches that it is known to provide a dumpster with rotatably mounted sleeves and mechanical stops (see elements 16, 18 and 20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the dumpster of Pickler with the rotatably mounted sleeves and mechanical stops of Keneson et al., in order to facilitate movement and lifting of the container.

3. Claims 1-4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (U.S. 5,248,057) in view of Keneson et al. (U.S. 3,656,643). Taylor discloses the claimed invention except for the sleeves and stops. Keneson et al. teaches that it is known to provide a dumpster with rotatably mounted sleeves and mechanical stops (see elements 16, 18 and 20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the dumpster of Taylor with the rotatably mounted sleeves and mechanical stops of Keneson et al., in order to facilitate movement and lifting of the container.

4. Claims 5-9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Keneson et al. as applied to claim1 above, and further in view of Jones (U.S. 2,702,142). The modified container of Taylor discloses the claimed invention except for the lower door. Jones teaches

that it is known to provide a container with a lower door (see figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified container of Taylor with a lower door as taught by Jones, in order to allow easy dispensing.

5. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Jones (U.S. 2,702,142). The container of Taylor discloses the claimed invention except for the lower door. Jones teaches that it is known to provide a container with a lower door (see figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Taylor with a lower door as taught by Jones, in order to allow easy dispensing.

Allowable Subject Matter

6. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

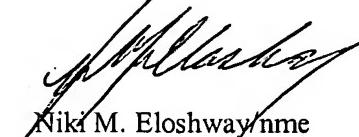
7. **THIS ACTION IS MADE NON-FINAL.**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Eloshway whose telephone number is 571-272-4538. The examiner can normally be reached on Thursdays and Fridays 8 a.m. to 4 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available

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through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Niki M. Elosway
Patent Examiner
September 26, 2005